



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206403

Applicant Name: E. Frank Hoffmeister

Address of Proposal: 5355 28th Avenue NW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use and construct three boat storage racks totaling 56,140 square feet of gross floor area, with surface parking for forty (40) vehicles to be provided on site. Project includes the relocation of an existing marine structure off site.

The following approvals are required:

- **Shoreline Substantial Development Permit** to allow marine retail sales and service use (dry storage of boats) and the construction of three boat storage racks in the Urban Industrial (UI) Shoreline Environment. (SMC Chapter 23.60.840).
- **SEPA - Environmental Determination** - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions*

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

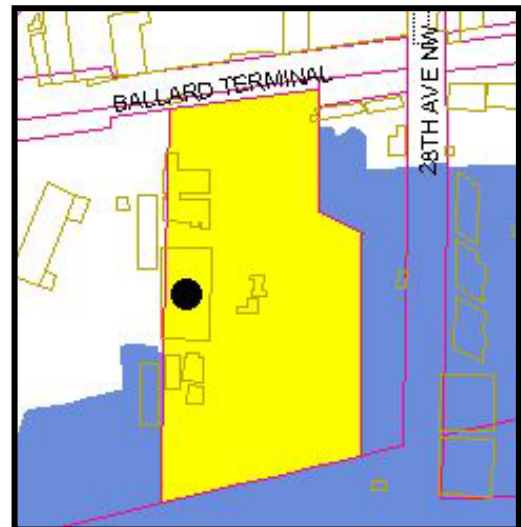
BACKGROUND DATA

Site

The subject parcel, located in the Ballard Neighborhood of Northwest Seattle, is 205,895 square feet (101,374 dry area & 104,521 wet area) and has a series of piers south of the proposed storage racks. Zoning on this site is General Industrial (IG1/U-65), with a 65-foot height limit. The majority of the site also lies within a designated shoreline Urban Industrial (UI) environment with a 35-foot limit, which may allow 55-feet in some cases. Currently, the site is developed with five (5) structures, four (4) of which will remain. The subject site is generally rectangular-shaped with the southern portion fronting on the waters of the Salmon Bay Waterway.

Vicinity

Development surrounding this site consists mainly of marine-related industrial uses. The site is bounded to the south by the waters of the Salmon Bay Waterway. To the north is Ballard Terminal Street, which runs east-west and separates this zone with the more intensive IG2 U/65 zone to the north across the access. Directly east and west of the site, are large IG1 U/65 zoned lots similar in shape and size to the subject lot. The site is accessed by 28th Ave NW or 30th Ave NW via NW Market Street, which is a main arterial. Both 28th Ave NW and 30th Ave NW terminate at their point of intersection with Ballard Terminal Street.



Proposal

The applicant proposes to construct three (3) boat storage racks totaling 56,140 square feet of gross floor area, with surface parking for forty (40) vehicles to be provided on site. Project includes the relocation of an existing timeless marine structure off site, which was used to construct a sail boat hull for the America's Cup Race. The three (3) proposed structures are sited at the following locations: (1) towards the northwest corner, (2) (the largest boat rack) the eastern edge of dry land portion of the lot, and (3) the northeast corner of the subject site.

Approximately 56,140 square feet of floor space will be designated to vessel dry storage of boats on four (4) levels, with existing office space in the existing structures on site. The proposed dry storage of boats use is permitted outright in this General Industrial zone and the Urban Industrial Environment. Four (4) existing structures will remain on the site, one (1) containing 12,000 square feet of warehouse and office space the second (2) and third (3) structures both containing 2,700 square feet of a warehouse space and lastly, the fourth (4) structure, an existing house boat. The project includes the relocation off site, of an existing structure containing 3,000 square feet of general manufacturing. Surface parking for 40 vehicles is to be provided on site. The proposed structures would reach a permitted height, under exceptions, of 46'-9".

Public Comment

No public comments were received during the public comment period, which ended on March 12th 2003.

Other Agency Comment

The State Department of Ecology has reviewed the proposal and offered the following comment: “We have reviewed the environmental checklist and have the following comments. Currently there are two concerns that have come to our attention. One is the expectation of a wash pad for the boats that would require coverage and the other is the dry-dock currently parked in front of the facility which also requires NPDES coverage. Coverage is required under the Boatyard National Pollutant Discharge Elimination System Waste Discharge General Permit. However, if at any time, a ship or vessel greater than 65 feet is repaired/constructed at this facility, coverage must be obtained under an individual NPDES shipyard permit.”

ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

A. RCW Chapter 90.58

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, The City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program that was codified in the Seattle Municipal Code Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the

policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The proposed buildings have been designed and mitigated to ensure minimum impact to the public health, land, and the waters of the state, and their aquatic life. The location and the design of the building will not interfere with the public rights of navigation and corollary rights, thus providing for the management of the shorelines by planning for and fostering all reasonable and appropriate uses. Therefore, the subject application is consistent with the policies and procedures outlined in RCW 90.58.

B. SSMP Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the “Seattle Shoreline Master Program”. In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SSMP 23.60.030. Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SSMP 23.60.064).

The proposal is subject to the Shoreline Policies of the Seattle Shoreline Management Program (SSMP 23.60.004), because the site is located within the shoreline district and cannot be exempted under SMC 23.60.020-C. Additionally, the applicant must show that the proposal meets the criteria and development standards for the shoreline environment in which the site is located (SSMP Section 23.60.090-A); any applicable special approval criteria; general development standards; and the development standards for specific uses.

The purpose of the UI Environment is to provide efficient use of industrial shorelines for water-dependent and water-related industrial uses. The code allows marine retail sales and services uses, including the proposed dry storage of boats (marine retail sales and service) use that is permitted outright as the principal use on a waterfront lot within the Urban Industrial (UI) Shoreline Environment (SSMP 23.60.840).

The proposed project includes an existing accessory office use, which was previously permitted, and a proposed boat washing area, which is incidental to a permitted use, only if clearly incidental and necessary for the operation of a permitted principal use (SMC 23.60.092-B). The proposed use by the tenants, a dry storage of boats (marine retail sales and service), shall be considered as a water-related use as defined by (SSMP 23.60.944.)

Marine retail sales and services must meet the development standards for the UI Environment (SSMP 23.60.870), as well as the general development standards for all shoreline environments (SSMP 23.60.600). Additionally, the proposed project must also meet the development standards of the underlying General Industrial (IG1 U/65) zone (SMC 23.50.015). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SSMP 23.60.064).

SMC 23.60.152 - General Development Standards

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. All development and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas.

The project proposal will be consistent with these development standards for the following reasons: The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the control of erosion and the transport of sediment from the site by mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. A drainage control plan, prepared by a licensed civil engineer in accordance with standards adopted by the Director of Construction and Land Use, is required prior to issuance of the building permit. The proposal will not require any work within the waters of Salmon Bay Water Way or grading on the site, as the structures will be erected on an existing paved concrete surface on the dry land portion of the property.

SMC 23.60.870 - Development Standards for UI Environment

All development must conform to the development standards in the UI Shoreline Environment. The proposal meets the maximum height permitted on UI zoned lots as determined by the Official Land Use Map which allows a maximum height of 55 feet. The proposed structure reaches a height of forty-six (46) feet and (4.9) inches (SMC 23.60.872). All buildings will occupy approximately 5.16 percent of the entire lot and the UI Environment allows structures to occupy up to 100 percent of a waterfront lot (SMC 23.60.874-A). A minimum view corridor is not required for a waterfront lot developed with water-related uses. A 60-foot setback from the water's edge is required for all nonwater-dependent. The existing warehouse, office structures, and house boat which are to remain, were previously permitted within the 60-foot setback from the water's edge. While the proposed boat storage racks are classified as a water-related use, as noted above, per SMC 23.60.882-A, water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the water's edge, or other means of ensuring continued efficient use of the shoreline. Buildings seven will need room for the loading of the boats from the rear (west side) into the racks. Building seven will have a setback of approximately twenty-eight (28') feet from the easterly water's edge and a sixty (60') foot setback from the southerly water's edge. Building eight will have a four (4') foot setback from the easterly water's edge for its thirty-five (35') foot length and building depth. Building eight is located in close proximity to

the water to allow proper maneuvering area for vehicles accessing the existing piers at the south end of the lot, which is in line with (SMC 23.60.882-A), using the shoreline in an efficient manner. Regulated public access is not required for the proposed water-related use located on private property. The proposal, as designed, meets the development standards of the UI Environment.

SMC 23.50.015 - Industrial Development Standards

The project proposal must meet the development standards of the underlying General Industrial 1 (IG1) zone. The development proposal has been reviewed by a Land Use Plans Examiner who has determined the project complies with the required development standards. The proposal meets the 65 foot height, related setback, screening and landscaping, venting, odor, glare and access standards.

C. WAC Chapter 173-27

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Conclusion

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms with the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the Urban Industrial Environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

Pursuant to the Director's authority under Seattle's Shoreline Master Program, to ensure that development proposals are consistent with the policies and procedures, and conforms with specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal is hereby approved. Thus, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED.**

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 13th, 2003. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic due to construction-related vehicles, and increased noise during construction. Due to the temporary nature and limited scope of these impacts, they are not considered to be significant (SMC 25.05.794).

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices be used to accomplish the following: control of erosion and the transport of sediment from the site by mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively worked by the installation of permanent vegetative cover and/or installation of slope protective materials; and, the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems by the regular cleaning of catch basins, gravel truck loading and heavy equipment areas, sweeping, and maintaining erosion control protective features. A drainage control plan, prepared by a licensed civil engineer in accordance with standards adopted by the Director of Construction and Land Use, is required with submittal of the building permit(s). Title 15, Street and Sidewalk Use, regulates construction activities within the public right-of-way. In addition, compliance with the Building Code which regulates construction measures in general; the Energy Code which requires energy conservation measures; and the Noise Ordinance which regulates construction noise, will, with the exception of construction impacts, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. Further analysis and/or conditioning of some of the short term impacts are warranted.

Construction Impacts

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are not expected to affect the surrounding area. Impacts to traffic and roads are not expected from truck trips during construction activities. In addition, delivery of pre-fabricated boat rack structures and other materials to the site will generate some truck trips. As a result of these truck trips, a minimal impact to existing traffic will be introduced to the surrounding street system during the construction of the boat racks. It is expected that building six (6) will be removed from the site. This impact is minimal, and therefore no further mitigation is warranted.

Erosion impacts during project construction will be mitigated by the use of best management practices specified in the temporary erosion and sedimentation control plan for the project, as required by the City of Seattle's Stormwater, Grading, and Drainage Control Code. Typical practices include those measures that minimize the amount of soil exposed to wind and water action, as well as construction practices that control sediment and surface water discharge into the Salmon Bay Water Way. These measures include control of drainage, sediment control practices such as filter fabric fences and temporary sedimentation ponds. Best management practices include the use of facilities such as temporary sedimentation basins, silt fences, diversion dikes, catch basin filters, etc. to prevent the sediment from entering the downstream surface water system. Other practices include seeding, mulching and plastic sheeting. The City's Stormwater, Grading and Drainage Control Code provides for adequate mitigation during site preparation and therefore no further mitigation is warranted.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased ambient noise due to the constant storing and retrieving of boats by forklift; potential impacts on water quality; and parking and traffic. These long-term impacts are not considered significant because the impacts are minor in scope. Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Therefore, no further mitigation is warranted.

Environmental Health

SEPA Policy 25.05.675-F provides the authority to mitigate impacts resulting from toxic or hazardous materials and transmissions. The location of the subject project is on the water's edge fronting on the Salmon Bay Water Way in the Ship Canal. The nature of the use is the storing of eighty (80) pleasure personal boats on unenclosed racks, four levels high. All three racks are in close proximity to the water's edge; leakage from gas tanks and other engine fluids may cause an adverse impact to the Salmon, Bass and Trout who inhabit and migrate through the Salmon Bay Water Way. The proposal does include spill containment areas that are six (6") inch high curbs,

which surround the boat racks. These containment areas, while necessary, do not fully mitigate the possibility of impacts to the fish. Therefore mitigation of boat leaking fluid runoff is warranted.

Parking

SEPA Policy SMC 25.05.675-M provides the authority to mitigate the impact of development on parking availability in this zone. Using the Parking Generation Manual, 1987 for a project with the proposed manufacturing and light industrial uses would result in an average parking rate of 1.48 spaces per 1,000 square feet. The project proposal will have 40 on-site parking spaces in total, with 23 spaces for the proposed marine retail sales and service use (dry storage of boats).

| Use | Use Per ITE Land Use | Use Per SMC | Independent Variable (sf) | Parking Generation Rate (per 1,000 sf) | Parking Generated |
|-----------------|-----------------------|--|---------------------------|---|-------------------|
| Existing | Office Park (ITE 751) | Administrative Office | 4,000 sf | 2.52 | 10.08 |
| | Warehousing (ITE 150) | Warehouse | 13,400 sf | 0.5 | 6.7 |
| <i>Subtotal</i> | | | | | <i>17</i> |
| Proposed | Marina (ITE 420) | Dry Storage of Boats – Marine Retail Sales & Service | 56,140 sf | 0.4 Avg. of Weekday, Saturday and Sunday | 22.456 |
| | Office Park (ITE 751) | Administrative Office | 4,000 sf | 2.52 | 10.08 |
| | Warehousing (ITE 150) | Warehouse | 13,400 sf | 0.5 | 6.7 |
| Total | | | | | 39.236 |

Typically 85% of the total parking generation for a given development is associated with vehicular trips made by single-occupancy vehicles. In urban areas served by transit, the total expected parking demand may be reduced by trips made via carpooling, public transportation or other means of non-vehicular transport. Reducing the estimated seventeen (17) space parking demand for the existing development to an 85% standard will result in a decreased parking demand of fourteen (14) spaces. Reducing the estimated twenty-three (23) space parking demand for the proposed development to an 85% standard results in a decreased parking demand of twenty (20) spaces. The existing parking area includes seventeen (17) parking spaces and the proposed parking area can accommodate parking for (23) vehicles for a total parking area for forty (40) spaces. There will be no spillover parking spaces as a result of the above analysis, therefore no mitigation is required.

Traffic

Vehicular access to the building will be from 30th Avenue NW and 28th Ave NW. An analysis of trip generation for the existing and proposed use at the site is not necessary in that the nature of the proposed use will not result in a significant amount of trips by boat owners. The nature of the boat storage use will result in limited trips by the customers, as the use is for storage not

moorage. Customers will not be taking boats in and out of the water daily. Some of the private pleasure boats will arrive on the site by car and some will arrive by sea (lifted by crane out of the water). As a result of the above information, the use will not result in significant traffic impacts to the area. Consequently, no conditioning or mitigation pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

DECISION SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance with conditions. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

Prior to issuance of Master Use Permit:

1. Design all boat storage rack roofs to cover the 6" asphalt containment curbs at an overhang distance of two (2') feet, spanning outward from the curb containment area to ensure that rainfall does not create standing water underneath each boat storage structure.
2. All area contained within the six (6") inch concrete curb fuel containment areas shall have an open and closeable filtered release into the Salmon Bay Water Way. This filtering can be accomplished through filtered piping in the containment curb where necessary. The filters shall be maintained for the life of the project. The open and closeable release filters ensure that if an overflow of the containment curb areas is likely to occur, then the filtered release can lessen or mitigate the impact of toxic fluids from the suspended boats into the Salmon Bay Water Way. If one hour firewalls are required to separate every other boat bay (fire department request), then the filtered release shall be executed in the curb containment area of every other boat bay.

Prior to final Inspection:

3. A spill protection kit shall be provided on site and at least 3 employees shall be properly trained in using the spill protection kit.

Permanent for the Life of The Project:

4. The open and closeable filters shall be maintained in good working order.

Signature: _____ (signature on file) Date: May 8, 2003

Lucas DeHerrera, Land Use Planner

Land Use Services

Department of Design, Construction and Land Use

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